

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEFF HOLZEMER,

Plaintiff,

v.

ORDER

RICK RAEMISCH and
JOHN BETT,

07-c-353-jcs

Defendants.

On November 9, 2007 judgment was entered in the above entitled matter in favor of defendants against plaintiff dismissing his complaint and all claims contained therein with prejudice and costs. Plaintiff's motion for reconsideration was denied on November 20, 2007. On December, 2007 plaintiff filed a notice of appeal and a request to proceed in forma pauperis on appeal.

____ In Newlin v. Helman, 123 F.3d 429, 433 (7th Cir. 1997) the United States Court of Appeals discussed the determination of whether an appeal is taken in bad faith as follows:

Frivolousness is an objective inquiry; "good faith" implies a subjective standard. But judges lack access to the plaintiff's mental processes. Thoughts must be inferred from acts. A plaintiff who has been told that the claim is foreclosed and then files a notice of appeal without offering any argument to undermine the district court's conclusion is acting in bad faith.

On November 8, 2007 plaintiff was advised that in any future proceedings he must offer argument not cumulative of that already provided to undermine this Court's conclusion that his claims must be dismissed. Plaintiff has not provided such argument. Accordingly, plaintiff's request to proceed in forma pauperis on appeal is not taken in good faith and will be denied.

Plaintiff also moves to supplement the record on appeal by adding discovery responses. This motion will be denied because these documents were not part of the record before the Court.

ORDER

IT IS ORDERED that plaintiff's request to proceed in forma pauperis on appeal is DENIED.

IT IS FURTHER ORDERED that plaintiff's motion to supplement the record on appeal is DENIED.

Entered this 7th day of December, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge